

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARK BREAKIRON,

Petitioner,

V.

MARTIN HORN, Commissioner,
Pennsylvania Department of Corrections;
CONNOR BLAINE, Superintendent of the
State Correctional Institution at Greene, and
JOSEPH P. MAZURKIEWICZ,
Superintendent of the State Correctional
Institution at Rockview,

Respondents.

CIVIL ACTION

No. 00 - 300:

Judge Standish

THIS IS A CAPITAL CASE.

**PETITIONER'S MOTION TO EXTEND DISCOVERY PERIOD
BEYOND DECEMBER 16, 2005**

Petitioner MARK BREAKIRON requests this Court to grant his MOTION TO EXTEND
DISCOVERY PERIOD BEYOND DECEMBER 16, 2005 and in support thereof states:

1. On November 4, 2005, this Court held a conference to discuss the status of discovery and other case related matters. At that conference, and later by order of this Court, it was determined that all discovery would be closed on December 16, 2005.

2. Petitioner has since filed two (2) discovery related motions that have yet to be ruled upon. On November 4, 2005, Petitioner filed a Motion for Production of Documents Withheld, or in the Alternative, for a More Detailed Privilege Log and Consolidated

Memorandum of Law. The Commonwealth answered this motion on November 18, 2005.

Petitioner filed a short reply to this answer on November 29, 2005. Petitioner also filed a Motion to Amend Petitioner's Request for Production of Documents on November 10, 2005. The Commonwealth responded to this motion on November 23, 2005, to which Petitioner replied on November 30, 2005. The Court has not ruled on these motions.

3. Because the Court has yet to rule on the above referenced motions, Petitioner respectfully asks the Court to extend the discovery period past the initial December 16, 2005, deadline. Since the Court's decisions on these motions may require additional discovery to be produced and reviewed, Petitioner respectfully asks that the discovery period remain open thirty (30) days past the resolution of the currently pending discovery motions and/or the production of the relevant documents – whichever is later.

4. For all the foregoing reasons, Petitioner's Motion to Extend the Discovery Period should be granted.

Respectfully submitted,

/s/James Anderson

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